

In re application of MONBERG et al.
Serial No. 09/651,406

REMARKS

The Office action has been carefully considered. The Office action rejected claims 15-19, 24-25, and 28-29 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,930,474 to Dunworth et al. ("Dunworth") in view of U.S. Patent 6,408,294 to Getchius et al. ("Getchius"). Further, the Office action rejected claims 1-14, 20-23, and 26-27 under 35 U.S.C. § 103(a) as being unpatentable over Dunworth in view of U.S. Patent Publication No. 20020055878A1 to Burton et al. ("Burton") and further in view of Getchius. Applicants respectfully disagree.

By present amendment, claims 1, 8-12, 15, 20, and 25 have been amended for clarification and not in view of the prior art. Applicants submit that the claims as filed were patentable over the prior art of record, and that the amendments herein are for purposes of clarifying the claims and/or for expediting allowance of the claims and not for reasons related to patentability. Reconsideration is respectfully requested.

Applicants thanks the Examiner for the interview held (by telephone) on January 13, 2004. During the interview, the Examiner and applicant's attorney discussed the claims with respect to the prior art. The essence of applicant's position is incorporated in the remarks below.

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Prior to discussing reasons why applicants believe that the claims in this application are clearly allowable in view of the teachings of the cited and applied references, a brief description of the present invention is presented.

The present invention is directed, generally, towards maintaining information, in the form of location bindings, for one or more merchants that may be associated with one or more regions serviced by the merchants. Typically, a merchant will provide service in a geographic region in which the merchant maintains a physical location. Additionally, most merchants, who may be service merchants (e.g., a plumbing business, house-cleaning service, *etc.*) will also provide service beyond only that region in which the merchant has a physical presence and into other geographic regions in close proximity to the region having the merchant's physical location. This multi-regional, but not all-regional service capability may be maintained through location bindings.

For example, instead of maintaining a single ZIP code that corresponds to the merchant's address as the only region in which a merchant may provide service, a number of ZIP codes of a surrounding area that the merchant services may also be maintained in association with the merchant. Thus, the merchant may be identified in response to a search request external to the merchant's ZIP code, such as in a ZIP code in close proximity serviced by the merchant as identified by the location bindings.

Other aspects of the present invention are directed towards submitting a query for a merchant in a designated region, and receiving a business listing identifying a merchant that is not in the designated region, along with an

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explanation (such as text or glyph based) as to why that merchant was identified, e.g., the merchant services the region even though the merchant does not have a physical location in the region. Note that the above description is for example and informational purposes only, and should not be used to interpret the claims, which are discussed below.

Turning to the claims, amended claim 1 recites in a computer system, a method comprising maintaining location binding information associating a merchant with a plurality of listed regions, including at least one listed region in which the merchant provides service and in which the merchant does not include a physical location and including at least one listed region in which the merchant provides service and does include a physical location wherein the at least one listed region that does not include a physical location is in close proximity to the listed region that does include the physical location, receiving a request for a merchant that does not service every region listed in the location binding information, the request directed to a particular region, searching the location binding information associated with the merchant to determine if the particular region matches at least one of the listed regions, and if so, returning information regarding the merchant.

The Office action rejected claim 1 as unpatentable over Dunworth in view of Burton and further in view of Getchius. More specifically, the Office action contends that Dunworth teaches in a computer system a method comprising receiving a request directed to a particular region. Column 3, lines 1-2, column 5, lines 22-24, and FIG. 5 of Dunworth are referenced. Further, the Office action

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contends that Dunworth teaches searching the information associated with the merchant to determine if the particular region matches at least one of the listed regions, and if so, returning information regarding the merchant. Column 2, line 54 to column 3, line 14, column 15, lines 23-25, and column 16, lines 17-26 of Dunworth are referenced.

The Office action acknowledges that Dunworth fails to teach maintaining location binding information associating a merchant with a plurality of listed regions, including at least one listed region in which the merchant provides service and in which the merchant does not include a physical location. However, the Office action contends that Burton teaches this recitation and cites the abstract and paragraphs 19 and 20 of Burton. Thus, the Office action concludes that the recitations of claim 1 are rendered obvious to person skilled in the art at the time the invention was made because maintaining binding information associating a merchant with a plurality of regions enables a system to select prospective suppliers for a user in a given geographical location.

Further yet, the Office action also acknowledges that Dunworth (and tacitly, Burton) does not teach that the merchant does not include a physical location in the region. Once again, however, the Office action contends that another reference, Getchius, does teach this recitation at column 18, lines 1-7. The Office action once again concludes that the recitations of claim 1 are rendered obvious to person skilled in the art at the time the invention was made because a virtual business reads on a merchant not having a physical location. Applicants respectfully disagree.

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Dunworth teaches, generally, an on-line search of information based upon a geographic hierarchy. At specified levels of the geographic hierarchy, the user is presented with the option of accessing topically organized information from among several topic selections, wherein the topical information is customized for each geographic area to reflect topics indigenous to that area. For a selected topic within a geographical area, a local content database may be accessed to retrieve a URL for the topic and yellow pages may be accessed for retrieving a business location. The geographic areas can expand in a hierarchical manner, that is, an intermediate geographic area that includes a smaller geographic area can be searched, as can a larger geographic area that includes the intermediate geographic area (and thus the smaller geographic area). See Dunworth, column 3, lines 46-54.

However, as acknowledged in the Office action, Dunworth fails to disclose the concept of maintaining location binding information that allows a business to be identified when that business that does not have a physical location within a geographic area specified in a request. Instead, to locate such a business, Dunworth teaches that the database needs to search an expanded area by having the user manually ascend in the hierarchy (Dunworth, column 9, lines 1-4) until the geographic area specified in the request is enlarged sufficiently to include the location of the business. To this extent, Dunworth teaches away from the present invention, in which the location bindings automatically extend the search region, in effect, beyond that actually specified.

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Notwithstanding the fact that (in contrast to the present invention) Dunworth teaches manually expanding and contracting the geographic search area, which requires significant user interaction, (as opposed to providing some teaching or suggestion as to how a business can be located in a search when it does not physically reside within a specified geographic area), the Office action contends that Getchius, which teaches a virtual business that need not have a particular physical location within a specified geographic area, can somehow be combined with Dunworth to reach the claims of the present invention. Applicants respectfully disagree with this contention.

Nevertheless, claim 1 has been amended to recite maintaining location binding information associating a merchant with a plurality of listed regions, including at least one listed region in which the merchant provides service and in which the merchant does not include a physical location *and* including at least one listed region in which the merchant provides service and does include a physical location wherein the at least one listed region that does not include a physical location is in close proximity to the listed region that does include the physical location. Further, claim 1 has been amended to also recite receiving a request for a merchant that does not service every region listed in the location binding information. A virtual business, such as the internet-based web businesses as used in Getchius, necessarily services all regions as the very nature of an internet-based business allows access through any web-browser in any region. Thus, the physical location of the virtual business is irrelevant since every region in any data store of location binding information would be

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associated with the virtual business. As a result, Getchius, whether considered alone or in any permissible combination with any prior art of record cannot possibly teach maintaining location binding information about a merchant that includes regions serviced for both the specific region that the merchant is physically located as well as other regions in which the merchant does not have a physical presence but is in close proximity to the physical location region.

Dunworth, whether considered alone or in any permissible combination with the prior art of record, namely Getchius and Burton, fails to teach or suggest all of the recitations of claim 1. For at least these reasons, applicants submit that claim 1 is allowable over the prior art of record.

Applicants respectfully submit that dependent claims 2-7, by similar analysis, are allowable. Each of these claims depends either directly or indirectly from claim 1 and consequently includes the recitations of independent claim 1. As discussed above, Dunworth, Burton, and Getchius, whether considered alone or in any permissible combination with each other or other prior art of record fail to teach or suggest the recitations of claim 1 and therefore these claims are also allowable over the prior art of record. In addition to the recitations of claim 1 noted above, each of these dependent claims includes additional patentable elements.

Turning to the next independent claim, amended claim 8 recites a computer-readable medium having stored thereon a data structure, comprising a first data field containing data representing information about a merchant, a second data field associated with the first data field and containing location

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binding data representing a region in which the merchant provides service and in which the merchant does not include a physical location, and a third data field associated with the first data field and containing location binding data representing a region representing a region in which the merchant provides service and in which the merchant does include a physical location, such that a search request for a merchant that does not service every region, wherein the request seeking a merchant that services a particular region is compared to the second data field to determine from the location binding data therein whether the merchant represented in the first data field services that particular region, and if so, at least some of the information about the merchant contained in the first data field may be returned in response to the search request.

The Office action rejected claim 8 as being unpatentable over Dunworth in view of Burton and in further view of Getchius. More specifically, the Office action contends that Dunworth reaches a computer-readable medium having stored thereon a data structure, comprising a first data field containing data representing information about a merchant and a second data field associated with the first data field. Column 18, lines 55-59 of Dunworth is referenced. Further, the Office action contends that Dunworth teaches that a search request for a merchant that does not service every region, wherein the request seeking a merchant that services a particular region is compared to the second data field to determine from the location binding data therein whether the merchant represented in the first data field services that particular region, and if so, at least some of the information about the merchant contained in the first data field may

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be returned in response to the search request. Column 3, lines 1-2, 6-14, and column 16, lines 17-26.

The Office action acknowledges that Dunworth fails to teach containing location binding data representing a region in which the merchant provides service and in which the merchant does not include a physical location. However, as was the argument above with respect to claim 1, the Office action contends that Burton and Getchius teach these recitations and the combination of which renders claim 8 obvious. Applicants respectfully disagree.

Nevertheless, claim 8 has been amended to recite a third data field associated with the first data field and containing location binding data representing a region representing a region in which the merchant provides service and in which the merchant does include a physical location. Further, claim 8 has been amended to also recite a search request for a merchant that does not service every region, wherein the request seeking a merchant that services a particular region is compared to the second data field. As was discussed above, a virtual business, as used in Getchius, necessarily services all regions as the very nature of an internet-based business allows access through any web-browser in any region. Thus, the physical location of the virtual business is irrelevant since every region in any data store of location binding information would be associated with the virtual business. As a result, Getchius, whether considered alone or in any permissible combination with any prior art of record cannot possibly teach both a data field for regions serviced wherein no

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physical location exists and a region that is serviced in which a physical location does exist.

Thus, Dunworth, Burton, and Getchius, whether considered alone or in any permissible combination with each other or any prior art of record fails to teach or suggest all of the recitations of claim 8. For at least these reasons, applicants submit that claim 8 is allowable over the prior art of record.

Applicants respectfully submit that dependent claims 9-11, by similar analysis, are allowable. Each of these claims depends either directly or indirectly from claim 8 and consequently includes the recitations of independent claim 8. As discussed above, Dunworth, Burton, and Getchius, whether considered alone or in any permissible combination with each other or other prior art of record fail to teach or suggest the recitations of claim 8 and therefore these claims are also allowable over the prior art of record. In addition to the recitations of claim 8 noted above, each of these dependent claims includes additional patentable elements.

Turning to the next independent claim, amended claim 12 recites a computer-readable medium having stored thereon a data structure, comprising a first data field containing data representing information about a merchant, a second data field associated with the first data field and containing data representing information regarding the merchant providing service to a region but not having a physical location in the region, a third data field associated with the first data field and containing location binding data representing a region in which the merchant provides service and in which the merchant does not include a

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physical location, and a fourth data field associated with the first data field and containing location binding data representing a region representing a region in which the merchant provides service and in which the merchant does include a physical location, such that a search request for a merchant that does not service every region, wherein the request seeking a merchant that services a particular region is compared to the third data field to determine from the location binding data therein whether the merchant represented in the first data field services that particular region, and if so, at least some of the information about the merchant contained in the second data field may be returned in response to the search request.

The Office action rejected claim 12 as being unpatentable over Dunworth in view of Burton and further in view of Getchius. More specifically, the Office action cited reasons that were exactly the same as reasons given in the rejection of claim 8. Once again applicants disagree with this reasoning and rejection.

Nevertheless, claim 12 has been amended to recite a fourth data field associated with the first data field and containing location binding data representing a region representing a region in which the merchant provides service and in which the merchant does include a physical location. Further, claim 12 has been amended to also recite a search request for a merchant that does not service every region, wherein the request seeking a merchant that services a particular region is compared to the second data field. As was discussed above, a virtual business, as used in Getchius, necessarily services all regions as the very nature of an internet-based business allows access through

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any web-browser in any region. Thus, the physical location of the virtual business is irrelevant since every region in any data store of location binding information would be associated with the virtual business. As a result, Getchius, whether considered alone or in any permissible combination with any prior art of record cannot possibly teach both a data field for regions serviced wherein no physical location exists and a region that is serviced in which a physical location does exist.

Thus, Dunworth, Burton, and Getchius, whether considered alone or in any permissible combination with each other or any prior art of record fail to teach or suggest all of the recitations of claim 12. For at least these reasons, applicants submit that claim 12 is allowable over the prior art of record.

Applicants respectfully submit that dependent claims 13 and 14, by similar analysis, are allowable. Each of these claims depends directly from claim 12 and consequently includes the recitations of independent claim 12. As discussed above, Dunworth, Burton, and Getchius, whether considered alone or in any permissible combination with each other or other prior art of record fail to teach or suggest the recitations of claim 12 and therefore these claims are also allowable over the prior art of record. In addition to the recitations of claim 12 noted above, each of these dependent claims includes additional patentable elements.

Turning to the next independent claim, amended claim 15 recites a method in a computer system, comprising submitting a search query directed to businesses, the search query including a designation of a region, receiving a

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business listing in response to the search query, the business listing being associated with a merchant that provides service to a plurality of regions that are in close proximity to the region queried, but not all regions in close proximity, and wherein the queried region is a region in which the merchant services but does not have a physical location in the queried region, and receiving, along with the business listing, information regarding the fact that the merchant services the queried region but does not have a physical location in the queried region.

The Office action rejected claim 15 as being unpatentable over Dunworth in view of Getchius. More specifically, the Office action contends that Dunworth teaches the recitation in claim 15, but for one, and cited similar reasons as were cited above with respect to claim 1. The Office action acknowledges that Dunworth does not teach where a merchant does not have a physical location in the region, however, the Office action contends that Getchius does teach this recitation and concludes that the combination of Dunworth and Getchius renders claim 15 obvious. Applicants once again respectfully disagree.

Nevertheless, claim 15 has been amended to recite a business listing being associated with a merchant that provides service to a plurality of regions that are in close proximity to the region queried, but not all regions in close proximity, and wherein the queried region is region in which the merchant services but does not have a physical location in the queried region. A virtual business, as used in Getchius, necessarily services all regions as the very nature of an internet-based business allows access through any web-browser in any region. Thus, the physical location of the virtual business is irrelevant since

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every region in any data store of location binding information would be associated with the virtual business. As a result, Getchius, whether considered alone or in any permissible combination with any prior art of record cannot possibly teach a business listing being associated with a merchant that provides service to a plurality of regions that are in close proximity to the region queried, but not all regions in close proximity, and wherein the queried region is region in which the merchant services but does not have a physical location in the queried region as recited in claim 15.

Thus, Dunworth, Burton, and Getchius, whether considered alone or in any permissible combination with each other or any prior art of record fail to teach or suggest all of the recitations of claim 15. For at least these reasons, applicants submit that claim 15 is allowable over the prior art of record.

Applicants respectfully submit that dependent claims 16-19 and 24, by similar analysis, are allowable. Each of these claims depends directly from claim 15 and consequently includes the recitations of independent claim 15. As discussed above, Dunworth, Burton, and Getchius, whether considered alone or in any permissible combination with each other or other prior art of record fail to teach or suggest the recitations of claim 15 and therefore these claims are also allowable over the prior art of record. In addition to the recitations of claim 15 noted above, each of these dependent claims includes additional patentable elements.

Turning to the next independent claim, amended claim 20 recites a computer system comprising a data store for maintaining location binding

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information for merchants that provide service to a region, at least one merchant having location binding information for a region in which that merchant does include a physical location and for a region in which the merchant does not include a physical location, wherein the at least one merchant does not provide service to all regions maintained in the location binding information, data entry tools for entering the information in the data store, an application programming interface for ensuring that the information is stored with each merchant entered by the data entry tools.

The Office action rejected claim 20 as being unpatentable over Dunworth in view of Getchius. More specifically, the Office action contends that Dunworth teaches the recitation in claim 20, but for two, and cited similar reasons as were cited above with respect to claim 1 and claim 15. The Office action acknowledges that Dunworth does not teach where a merchant does not have a physical location in the region and an application programming interface for ensuring that the information is stored with each merchant entered by the data entry tools; however, the Office action contends that Getchius does teach these recitations and concludes that the combination of Dunworth and Getchius renders claim 20 obvious. Applicants once again respectfully disagree.

Nevertheless, claim 20 has been amended to recite a at least one merchant having location binding information for a region in which that merchant does include a physical location and for a region in which the merchant does not include a physical location, wherein the at least one merchant does not provide service to all regions maintained in the location binding information. A virtual

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business, as used in Getchius, necessarily services all regions as the very nature of an internet-based business allows access through any web-browser in any region. Thus, the physical location of the virtual business is irrelevant since every region in any data store of location binding information would be associated with the virtual business. As a result, Getchius, whether considered alone or in combination with any prior art of record cannot possibly teach a business listing being associated with a merchant that provides service to a plurality of regions that are in close proximity to the region queried, but not all regions in close proximity, and wherein the queried region is region in which the merchant services but does not have a physical location in the queried region as recited in claim 20.

Thus, Dunworth, Burton, and Getchius, whether considered alone or in any permissible combination with each other or any prior art of record fail to teach or suggest all of the recitations of claim 20. For at least these reasons, applicants submit that claim 20 is allowable over the prior art of record.

Applicants respectfully submit that dependent claims 21-23, by similar analysis, are allowable. Each of these claims depends directly from claim 20 and consequently includes the recitations of independent claim 20. As discussed above, Dunworth, Burton, and Getchius, whether considered alone or in any permissible combination with each other or any other prior art of record fail to teach or suggest the recitations of claim 20 and therefore these claims are also allowable over the prior art of record. In addition to the recitations of claim 20

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noted above, each of these dependent claims includes additional patentable elements.

Turning to the last independent claim, amended claim 25 recites in a computer system, a method comprising receiving a request for a merchant within a particular region, searching a database containing information associated with merchants located within the region and outside the region, returning information regarding the merchants within the region that service the region, and returning information regarding merchants outside the region that service the region but not other areas outside the region, the information regarding merchants outside the region indicating that the merchant provides service to the region but does not have a physical location in the region and that the merchant does not provide service to other areas outside the region.

The Office action rejected claim 25 as being unpatentable over Dunworth in view of Getchius. More specifically, the Office action contends that Dunworth teaches the recitation in claim 25, but for one, and cited similar reasons as were cited above with respect to claim 1 and claim 15. The Office action acknowledges that Dunworth does not teach returning information regarding merchants outside the region that service the region, the information regarding merchants outside the region indicating that the merchant provides service to the region but does not have a physical location in the region, however, the Office action contends that Getchius does teach these recitations and concludes that the combination of Dunworth and Getchius renders claim 25 obvious. Applicants once again respectfully disagree.

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Nevertheless, claim 25 has been amended to recite returning information regarding merchants outside the region that service the region but not other areas outside the region, the information regarding merchants outside the region indicating that the merchant provides service to the region but does not have a physical location in the region and that the merchant does not provide service to other areas outside the region. A virtual business, as used in Getchius, necessarily services all regions as the very nature of an internet-based business allows access through any web-browser in any region. Thus, the physical location of the virtual business is irrelevant since every region in any data store of location binding information would be associated with the virtual business. As a result, Getchius, whether considered alone or in any permissible combination with any prior art of record cannot possibly teach returning information regarding merchants outside the region that service the region but not other areas outside the region, the information regarding merchants outside the region indicating that the merchant provides service to the region but does not have a physical location in the region and that the merchant does not provide service to other areas outside the region as recited in claim 25.

Thus, Dunworth, Burton, and Getchius, whether considered alone or in any permissible combination with each other or any other prior art of record fail to teach or suggest all of the recitations of claim 25. For at least these reasons, applicants submit that claim 25 is allowable over the prior art of record.

Applicants respectfully submit that dependent claims 26-29, by similar analysis, are allowable. Each of these claims depends either directly or indirectly

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from claim 25 and consequently includes the recitations of independent claim 25. As discussed above, Dunworth, Burton, and Getchius, whether considered alone or in any permissible combination with each other or any other prior art of record fail to teach or suggest the recitations of claim 25 and therefore these claims are also allowable over the prior art of record. In addition to the recitations of claim 25 noted above, each of these dependent claims includes additional patentable elements.

For at least these additional reasons, applicants submit that the claims are patentable over the prior art of record, whether considered alone or in any permissible combination. Reconsideration and withdrawal of the rejections in the Office action is respectfully requested, and timely allowance of this application is earnestly solicited.

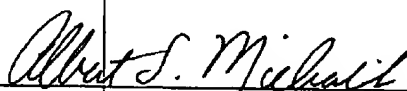
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CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that claims 1-29 of the present application are patentable over the prior art of record, and that the application is in good and proper form for allowance. A favorable action on the part of the Examiner is earnestly solicited.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (425) 836-3030.

Respectfully submitted,



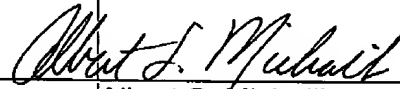
Albert S. Michalik, Reg. No. 37,395
Attorney for Applicants
Law Offices of Albert S. Michalik, PLLC
704 - 228th Avenue NE, Suite 193
Sammamish, WA 98074
(425) 836-3030
(425) 836-8957 (facsimile)

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